

**U.S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

**CASE NO.:** 5:01-CV-0383

**DATE:** NOVEMBER 8, 2004

**PRESIDING JUDGE:** HON. FREDERICK J. SCULLIN, JR.

☐ **PLAINTIFF**

☒ **DEFENDANT**

☐ **COURT**

**Defendant Altec Industries, Inc. May Offer Exhibits:**

<b>Exhibit No.</b>	<b>Marked for Identification</b>	<b>Admitted into Evidence</b>	<b>Remarks</b>	<b>Witness</b>	<b>Exhibit Description</b>
D-1.				Everts	Plaintiff's Summons w/Notice & Complaint; 2/7/01
D-2.					Notice of Removal; 3/16/01
D-3.					Answer; 3/20/01
D-4.					Third-Party Summons & Complaint; 3/26/01
D-5.					Answer to Third-Party Complaint; 4/17/01
D-6.				Everts	Plaintiff's Response to Altec's Interrogatories; 2/1/02
D-7.					Police Photograph #1

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-8.					Police Photograph #2
D-9.					Police Photograph #3
D-10.					Police Photograph #4
D-11.					Police Photograph #5
D-12.					Police Photograph #6
D-13.					Police Photograph #7
D-14.					Police Photograph #8
D-15.					Police Photograph #9
D-16.					Police Photograph #10
D-17.					Police Photograph #11
D-18.					OSHA Photograph #1
D-19.					OSHA Photograph #2
D-20.					OSHA Photograph #3
D-21.					OSHA Photograph #4
D-22.					OSHA Photograph #5
D-23.					OSHA Photograph #6

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-24.					OSHA Photograph #7
D-25.					OSHA Photograph #8
D-26.					OSHA Photograph #9
D-27.					OSHA Photograph #10
D-28.					OSHA Photograph #11
D-29.					OSHA Photograph #12
D-30.					OSHA Photograph #13
D-31.					OSHA Photograph #14
D-32.					OSHA Photograph #15
D-33.					OSHA Photograph #16
D-34.					OSHA Photograph #17
D-35.					OSHA Photograph #18
D-36.					OSHA Photograph #19
D-37.					OSHA Photograph #20
D-38.					OSHA Photograph #21
D-39.					OSHA Photograph #22

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-40.					OSHA Photograph #23
D-41.					OSHA Photograph #24
D-42.					OSHA videotape
D-43.					Niagara Mohawk photograph #1
D-44.					Niagara Mohawk photograph #2
D-45.					Niagara Mohawk photograph #3
D-46.					Niagara Mohawk photograph #4
D-47.					Niagara Mohawk photograph #5
D-48.					Niagara Mohawk photograph #6
D-49.					Niagara Mohawk photograph #7
D-50.					Niagara Mohawk photograph #8
D-51.					Niagara Mohawk photograph #9
D-52.					Niagara Mohawk photograph #10
D-53.					Niagara Mohawk photograph #11
D-54.					Niagara Mohawk photograph #12
D-55.					Niagara Mohawk photograph #13

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-56.					Niagara Mohawk photograph #14
D-57.					Niagara Mohawk photograph #15
D-58.					Niagara Mohawk photograph #16
D-59.					Niagara Mohawk photograph #17
D-60.					Niagara Mohawk photograph #18
D-61.					Niagara Mohawk photograph #19
D-62.					Niagara Mohawk photograph #20
D-63.					Niagara Mohawk photograph #21
D-64.					Niagara Mohawk photograph #22
D-65.					Niagara Mohawk photograph #23
D-66.					Niagara Mohawk photograph #24
D-67.					Niagara Mohawk photograph #25
D-68.					Niagara Mohawk photograph #26
D-69.					Niagara Mohawk photograph #27
D-70.					Niagara Mohawk photograph #28
D-71.					Niagara Mohawk photograph #29

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-72.					Niagara Mohawk photograph #30
D-73.					Niagara Mohawk photograph #31
D-74.					Niagara Mohawk photograph #32
D-75.					Niagara Mohawk photograph #33
D-76.					Niagara Mohawk photograph #34
D-77.					Niagara Mohawk photograph #35
D-78.					Niagara Mohawk photograph #36
D-79.					Niagara Mohawk photograph #37
D-80.					Niagara Mohawk photograph #38
D-81.					Niagara Mohawk photograph #39
D-82.					Niagara Mohawk photograph #40
D-83.					Niagara Mohawk photograph #41
D-84.					Niagara Mohawk photograph #42
D-85.					Niagara Mohawk photograph #43
D-86.					Niagara Mohawk photograph #44
D-87.					Niagara Mohawk photograph #45

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-88.					Niagara Mohawk photograph #46
D-89.					Niagara Mohawk photograph #47
D-90.					Niagara Mohawk photograph #48
D-91.					Niagara Mohawk photograph #49
D-92.					Niagara Mohawk photograph #50
D-93.					Niagara Mohawk photograph #51
D-94.					Niagara Mohawk photograph #52
D-95.					Niagara Mohawk photograph #53
D-96.					Niagara Mohawk photograph #54
D-97.					Niagara Mohawk photograph #55
D-98.					Niagara Mohawk photograph #56
D-99.					Niagara Mohawk photograph #57
D-100.					Niagara Mohawk photograph #58
D-101.					Niagara Mohawk photograph #59
D-102.					Niagara Mohawk photograph #60
D-103.					Niagara Mohawk photograph #61

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-104.					Niagara Mohawk photograph #62
D-105.					Niagara Mohawk photograph #63
D-106.					Niagara Mohawk photograph #64
D-107.					Niagara Mohawk photograph #65
D-108.					Niagara Mohawk photograph #66
D-109.					Niagara Mohawk photograph #67
D-110.					Niagara Mohawk photograph #68
D-111.					Niagara Mohawk photograph #69
D-112.					Niagara Mohawk photograph #70
D-113.					Niagara Mohawk photograph #71
D-114.					Niagara Mohawk photograph #72
D-115.					Niagara Mohawk photograph #73
D-116.					Niagara Mohawk photograph #74
D-117.					Niagara Mohawk photograph #75
D-118.					Niagara Mohawk photograph #76
D-119.					Niagara Mohawk photograph #77

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_



D-120.					Niagara Mohawk photograph #78
D-121.					Niagara Mohawk photograph #79
D-122.					Niagara Mohawk photograph #80
D-123.					Niagara Mohawk photograph #81
D-124.					Niagara Mohawk photograph #82
D-125.					Niagara Mohawk photograph #83
D-126.					Niagara Mohawk photograph #84
D-127.					Niagara Mohawk photograph #85
D-128.					Niagara Mohawk photograph #86
D-129.					Niagara Mohawk photograph #87
D-130.					Niagara Mohawk photograph #88
D-131.					Niagara Mohawk photograph #89
D-132.					Niagara Mohawk photograph #90
D-133.					Niagara Mohawk photograph #91
D-134.					Niagara Mohawk photograph #92
D-135.					Niagara Mohawk photograph #93

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-136.					Deposition Exh. 3
D-137.					Deposition Exh. 4
D-138.					Deposition Exh. 5
D-139.					Deposition Exh. 6
D-140.					Deposition Exh. 8
D-141.					Deposition Exh. 9
D-142.					Deposition Exh. 22
D-143.					Deposition Exh. 23
D-144.					Deposition Exh. 24
D-145.					Deposition Exh. 26
D-146.					Deposition Exh. 27
D-147.					Deposition Exh. 28
D-148.					Deposition Exh. 29
D-149.					Deposition Exh. 30
D-150.					Deposition Exh. 31
D-151.					Deposition Exh. 32

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-152.					Deposition Exh. 33
D-153.					Deposition Exh. 34
D-154.					Deposition Exh. 35
D-155.					Deposition Exh. 36
D-156.					Deposition Exh. 37
D-157.					Deposition Exh. 38
D-158.					Deposition Exh. 42
D-159.					Deposition Exh. 42A
D-160.					Deposition Exh. 43
D-161.					Deposition Exh. 47
D-162.					Deposition Exh. 48
D-163.					Deposition Exh. 49
D-164.					Deposition Exh. 50
D-165.					Deposition Exh. 51
D-166.					Deposition Exh. 52
D-167.					Deposition Exh. 55

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-168.					Prosser's Photograph #1
D-169.					Prosser's Photograph #2
D-170.					Prosser's Photograph #3
D-171.					Prosser's Photograph #4
D-172.					Prosser's Photograph #5
D-173.					Prosser's Photograph #6
D-174.					Prosser's Photograph #7
D-175.					Prosser's Photograph #8
D-176.					Prosser's Photograph #9
D-177.					Prosser's Photograph #10
D-178.					Prosser's Photograph #11
D-179.					Prosser's Photograph #12
D-180.					Prosser's Photograph #13
D-181.					Prosser's Photograph #14
D-182.					Prosser's Photograph #15
D-183.					Prosser's Photograph #16

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-184.					Prosser's Photograph #17
D-185.					Prosser's Photograph #18
D-186.					Prosser's Photograph #19
D-187.					Prosser's Photograph #20
D-188.					Prosser's Photograph #21
D-189.					Prosser's Photograph #22
D-190.					Prosser's Photograph #23
D-191.					Prosser's Photograph #24
D-192.					Prosser's Photograph #25
D-193.					Prosser's Photograph #26
D-194.					Prosser's Photograph #27
D-195.					Prosser's Photograph #28
D-196.					Prosser's Photograph #29
D-197.					Prosser's Photograph #30
D-198.					Prosser's Photograph #31
D-199.					Prosser's Photograph #32

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-200.					Prosser's Photograph #33
D-201.					Prosser's Photograph #34
D-202.					Prosser's Photograph #35
D-203.					Prosser's Photograph #36
D-204.					Prosser's Photograph #37
D-205.					Prosser's Photograph #38
D-206.					Prosser's Photograph #39
D-207.					Prosser's Photograph #40
D-208.					Prosser's Photograph #41
D-209.					Prosser's Photograph #42
D-210.					Prosser's Photograph #43
D-211.					Prosser's Photograph #44
D-212.					Prosser's Photograph #45
D-213.					Prosser's Photograph #46
D-214.					Prosser's Photograph #47
D-215.					Prosser's Photograph #48

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-216.					Prosser's Photograph #49
D-217.					Prosser's Photograph #50
D-218.					Prosser's Photograph #51
D-219.					Prosser's Photograph #52
D-220.					Prosser's Photograph #53
D-221.					Prosser's Photograph #54
D-222.					Prosser's Photograph #55
D-223.					Prosser's Photograph #56
D-224.					Prosser's Photograph #57
D-225.					Prosser's Photograph #58
D-226.					Prosser's Photograph #59
D-227.					Prosser's Photograph #60
D-228.					Prosser's Photograph #61
D-229.					Prosser's Photograph #62
D-230.					Prosser's Photograph #63
D-231.					Prosser's Photograph #64

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-232.					Prosser's Photograph #65
D-233.					Prosser's Photograph #66
D-234.					Prosser's Photograph #67
D-235.					Prosser's Photograph #68
D-236.					Prosser's Photograph #69
D-237.					Prosser's Photograph #70
D-238.					Prosser's Photograph #71
D-239.					Prosser's Photograph #72
D-240.					Prosser's Photograph #73
D-241.					Prosser's Photograph #74
D-242.					Prosser's Photograph #75
D-243.					Prosser's Photograph #76
D-244.					Prosser's Photograph #77
D-245.					Prosser's Photograph #78
D-246.					Prosser's Photograph #79
D-247.					Prosser's Photograph #80

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_



D-248.					Prosser's Photograph #81
D-249.					Prosser's Photograph #82
D-250.					Prosser's Photograph #83
D-251.					Prosser's Photograph #84
D-252.					Prosser's Photograph #85
D-253.					Prosser's Photograph #86
D-254.					Prosser's Photograph #87
D-255.					Prosser's Photograph #88
D-256.					Prosser's Photograph #89
D-257.					Prosser's Photograph #90
D-258.					Prosser's Photograph #91
D-259.					Prosser's Photograph #92
D-260.					Prosser's Photograph #93
D-261.					Prosser's Photograph #94
D-262.					Prosser's Photograph #95
D-263.					Prosser's Photograph #96

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**Signature:** \_\_\_\_\_

D-264.					Prosser's Photograph #97
D-265.					Prosser's Photograph #98
D-266.					Prosser's Photograph #99
D-267.					Prosser's Photograph #100
D-268.					Prosser's Photograph #101
D-269.					Prosser's Photograph #102
D-270.					Prosser's Photograph #103
D-271.					Prosser's Photograph #104
D-272.					Prosser's Photograph #105
D-273.					Prosser's Photograph #106
D-274.					Prosser's Photograph #107
D-275.					Prosser's Photograph #108
D-276.					Prosser's Photograph #109
D-277.					Prosser's Photograph #110
D-278.					Prosser's Photograph #111
D-279.					Prosser's Photograph #112

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-280.					Prosser's Photograph #113
D-281.					Prosser's Photograph #114
D-282.					Prosser's Photograph #115
D-283.					Prosser's Photograph #116
D-284.					Prosser's Photograph #117
D-285.					Prosser's Photograph #118
D-286.					Prosser's Photograph #119
D-287.					Prosser's Photograph #120
D-288.					Prosser's Photograph #121
D-289.					Prosser's Photograph #123
D-290.					Prosser's Photograph #124
D-291.					Prosser's Photograph #125
D-292.					Prosser's Photograph #126
D-293.					Prosser's Photograph #127
D-294.					Prosser's Photograph #128
D-295.					Prosser's Photograph #129

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-296.					Prosser's Photograph #130
D-297.					Prosser's Photograph #131
D-298.					Prosser's Photograph #132
D-299.					Prosser's Photograph #133
D-300.					Prosser's Photograph #134
D-301.					Prosser's Photograph #135
D-302.					Prosser's Photograph #136
D-303.					Prosser's Photograph #137
D-304.					Prosser's Photograph #138
D-305.					Altec's SB-AM-203 dated October 17, 1986
D-306.					Altec's CSN-U-213 dated July 12, 1993
D-307.					Altec's CSN-U-215 dated June 15, 1994
D-308.					Altec's CSN-U-214 dated July 1, 1994
D-309.					Altec's SB-AM-203 (Revised) dated July 1, 1994
D-310.					Altec's AN Series Operators, Maintenance, and Parts Manual
D-311.					Documents relating to Niagara Mohawk's purchase of subject AN652

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-312.				Masters Viehdorfer	Letter from Altec to Niagara Mohawk re: connectivity among major steel components, February 8, 1991
D-313.					OSHA Inspection Narrative
D-314.					NYS Police Investigation Report
D-315.					Accident animation prepared by TR Legal
D-316.					Boom tip and pole model
D-317.					Scale plastic model of aerial lift device
D-318.				Wheeler	1 pair of 9.5 class "2" rubber gloves
D-319.				Wheeler	1 pair of 9.5 rubber glove protectors
D-320.				Wheeler	1 harness for the bucket
D-321.				Wheeler	1 pair of rubber sleeves
D-322.				Wheeler	1 set of attachments for the harness to the sleeves
D-323.				Wheeler	Rubber line hose with connector
D-324.				Wheeler	4 solid blankets

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-325.				Wheeler	2 split blankets
D-326.				Wheeler	18 blanket pins
D-327.				Niagara Mohawk representative	Niagara Mohawk's re-creation notes & measurements
D-328.				""	Niagara Mohawk's re-creation video
D-329.				""	Niagara Mohawk's daily crew log and Pre-Job Brief 11/30/99
D-330.				""	Niagara Mohawk's daily crew log and Pre-Job Brief, 12/27/99
D-331.				""	Niagara Mohawk's daily crew log and Pre-Job Brief, 12/28/99
D-332.				""	Niagara Mohawk's Accident Prevention Rules, Rev. 4/92
D-333.				""	Niagara Mohawk's Accident Prevention Rules, Rev. 5/00
D-334.				""	Niagara Mohawk's document titled, "Part II - On Planning"

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

D-335.				“”	Niagara Mohawk’s Lineman B Manual, Revised 1967
D-336.				“”	Niagara Mohawk’s Lineman C Training Manual
D-337.				“”	Niagara Mohawk’s Lineman C School, Rough Outline
D-338.				“”	Niagara Mohawk’s 15kV Rubber Glove Training Program
D-339.				“”	Niagara Mohawk’s Bucket Trucks Training Programs Lesson Plan
D-340.				“”	Niagara Mohawk’s Hot Stick Manual
D-341.				“”	Niagara Mohawk’s Tree Trimmer B, Grade Report, 12/10/97
D-342.				“”	Niagara Mohawk’s Line Mechanic B Training, Student Course Record, 12/13/89
D-343.				“”	Niagara Mohawk’s Line Mechanic C Training, Student Course Record, 2/16/90
D-344.				“”	Niagara Mohawk’s Line Mechanic C Hot Stick Training, Student Course Record, 5/17/91
D-345.				“”	Niagara Mohawk’s 15kV Rubber Glove Training, Attendance Roster, 8/31/99
D-346.				“”	Niagara Mohawk’s 15kV Gloving Program Checklists, 4 pgs., 9/1/99
D-347.				“”	Niagara Mohawk’s Electric Field Operations Qualified Employee Exam Electrical Hazards Awareness, 10/29/99

**Exhibits Returned to Counsel (date):** \_\_\_\_\_

**Signature:** \_\_\_\_\_